

1 **REQUEST NO. 117:** Documents listing each and every consumer electronic item that has used
or incorporated an FMA dynamic memory chip within the last six years.

2 **RESPONSE TO REQUEST NO. 117:** In addition to its General Objections, FMA objects to
3 the request on the following grounds: (a) it seeks information that is neither relevant to this action
4 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it is overbroad and
5 unduly burdensome such as calling for the production of documents "listing each and every
6 consumer electronic item"; (c) it is vague and ambiguous, in particular as to what constitutes
7 "used or incorporated" and what constitutes a "consumer electronic item"; (d) it seeks
8 information equally available to Plaintiffs; and (e) it calls for information not within the
9 possession or control of FMA.

10
11 **REQUEST NO. 118:** Documents listing each and every contract entered into within the last six
12 years between FMA and a consumer electronics manufacturer involving an FMA dynamic
memory chip.

13 **RESPONSE TO REQUEST NO. 118:** In addition to its General Objections, FMA objects to
14 the request on the following grounds: (a) it seeks information that is neither relevant to this action
15 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks confidential
16 and/or proprietary information not reasonably calculated to lead to the discovery of admissible
17 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
18 documents "listing each and every contract"; and (d) it is vague and ambiguous, in particular as to
19 the meaning of what constitutes a "contract" and the identities of "consumer electronics
20 manufacturer[s]".

1 **REQUEST NO. 119:** Documents listing each and every request made within the last six years by
2 a consumer electronics manufacturer for proposals from FMA to develop, manufacture,
3 distribute, or otherwise produce an FMA dynamic memory chip.

4 **RESPONSE TO REQUEST NO. 119:** In addition to its General Objections, FMA objects to
5 the request on the following grounds: (a) it seeks information that is neither relevant to this action
6 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
7 and/or confidential information not reasonably calculated to lead to the discovery of admissible
8 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
9 documents "listing each and every request"; (d) it is vague and ambiguous, in particular as to the
10 identities of "consumer electronics manufacturer[s]" and the meaning of what constitutes a
11 "request... for proposal[]"; and (e) it calls for information not within the possession or control of
12 FMA.

13 **REQUEST NO. 120:** Documents listing each and every proposal made within the last six years
14 by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory
15 chip for a consumer electronics manufacturer.

16 **RESPONSE TO REQUEST NO. 120:** In addition to its General Objections, FMA objects to
17 the request on the following grounds: (a) it seeks information that is neither relevant to this action
18 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
19 and/or confidential information not reasonably calculated to lead to the discovery of admissible
20 evidence; (c) it is overbroad and unduly burdensome such as calling for the production documents
21 "listing each and every proposal"; and (d) it is vague and ambiguous, in particular as to the
22 identities of "consumer electronics manufacturer[s]".

1 **REQUEST NO. 121:** Documents listing each and every contract entered into within the last six
2 years between FMA and a government entity or government subcontractor, including military
3 entities, involving an FMA dynamic memory chip.

4 **RESPONSE TO REQUEST NO. 121:** In addition to its General Objections, FMA objects to
5 the request on the following grounds: (a) it seeks information that is neither relevant to this action
6 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks confidential
7 and/or proprietary information not reasonably calculated to lead to the discovery of admissible
8 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
9 documents "listing each and every contract"; and (d) it is vague and ambiguous, in particular as to
10 the meaning of what constitutes a "contract" and the identities of "government entit[ies] or
11 government subcontractor[s]".

12 **REQUEST NO. 122:** Documents listing each and every request made within the last six years by
13 a government entity or government subcontractor, including military entities, for proposals from
14 FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

15 **RESPONSE TO REQUEST NO. 122:** In addition to its General Objections, FMA objects to
16 the request on the following grounds: (a) it seeks information that is neither relevant to this action
17 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
18 and/or confidential information not reasonably calculated to lead to the discovery of admissible
19 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
20 documents "listing each and every request"; (d) it is vague and ambiguous, in particular as to the
21 identities of "government entit[ies] or government subcontractor[s]" and the meaning of what
22 constitutes a "request... for proposal[]"; and (e) it calls for information not within the possession
23 or control of FMA.

1 **REQUEST NO. 123:** Documents listing each and every proposal made within the last six years
2 by government entity or government subcontractor, including military entities, to develop,
3 manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a government
4 entity or government subcontractor, including military entities.

5 **RESPONSE TO REQUEST NO. 123:** In addition to its General Objections, FMA objects to
6 the request on the following grounds: (a) it seeks information that is neither relevant to this action
7 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
8 and/or confidential information not reasonably calculated to lead to the discovery of admissible
9 evidence; (c) it is overbroad and unduly burdensome such as calling for the production documents
10 "listing each and every proposal"; and (d) it is vague and ambiguous, in particular as to the
11 identities of "government entit[ies] or government subcontractor[s]" and the meaning of what
12 constitutes a "proposal".

13 **REQUEST NO. 124:** Documents listing each and every manufacturer that has purchased-an
14 FMA dynamic memory chip for use or incorporation in one of its products within the last six
15 years.

16 **RESPONSE TO REQUEST NO. 124:** In addition to its General Objections, FMA objects to
17 the request on the following grounds: (a) it seeks information that is neither relevant to this action
18 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
19 and/or confidential information not reasonably calculated to lead to the discovery of admissible
20 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
21 documents "listing each and every manufacturer that has purchased[a] FMA dynamic memory
22 chip"; and (e) it is vague and ambiguous, in particular as to the identities these manufacturers and
23 their "products".

1 **REQUEST NO. 125:** Documents listing each and every product that has used or incorporated an
2 FMA dynamic memory chip within the last six years.

3 **RESPONSE TO REQUEST NO. 125:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks information
6 equally available to Plaintiffs; (c) it seeks proprietary information not reasonably calculated to
7 lead to the discovery of admissible evidence; (d) it is overbroad and unduly burdensome, such as
8 calling for the production of documents listing "each and every product" that has used or
9 incorporated a FMA dynamic memory chip; (e) it is vague and ambiguous, in particular as to the
10 term "products"; and (f) it calls for information not within the possession or control of FMA.

11 **REQUEST NO. 126:** Documents listing each and every contract entered into within the last six
12 years between FMA and a manufacturer involving an FMA dynamic memory chip.

13 **RESPONSE TO REQUEST NO. 126:** In addition to its General Objections, FMA objects to
14 the request on the following grounds: (a) it seeks information that is neither relevant to this action
15 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks information
16 protected by the attorney-client privilege and the work-product doctrine; (c) it seeks proprietary
17 and/or confidential information not reasonably calculated to lead to the discovery of admissible
18 evidence; (d) it is overbroad and unduly burdensome such as calling for the production of
19 documents listing "each and every contract"; and (e) it is vague and ambiguous, in particular as to
20 the meaning of what constitutes a "contract".

1 **REQUEST NO. 127:** Documents listing each and every request made within the last six years by
2 a manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce
an FMA dynamic memory chip.

3 **RESPONSE TO REQUEST NO. 127:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
6 and/or confidential information not reasonably calculated to lead to the discovery of admissible
7 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of
8 documents "listing each and every request"; (d) it is vague and ambiguous, in particular as to the
9 identities of "manufacturer[s]" and the meaning of what constitutes a "request... for proposal[]";
10 and (e) it calls for information not within the possession or control of FMA.

11
12 **REQUEST NO. 128:** Documents listing each and every proposal made within the last six years
13 by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory
chip for a manufacturer.

14 **RESPONSE TO REQUEST NO. 128:** In addition to its General Objections, FMA objects to
15 the request on the following grounds: (a) it seeks information that is neither relevant to this action
16 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
17 and/or confidential information not reasonably calculated to lead to the discovery of admissible
18 evidence; (c) it is overbroad and unduly burdensome such as calling for the production documents
19 "listing each and every proposal"; and (d) it is vague and ambiguous, in particular as to the
20 identities of "manufacturer[s]" and the meaning of what constitutes a "proposal".

1 **REQUEST NO. 129:** All documents reflecting FMA's retention of any person as an employee,
2 agent, or in any other capacity in Guam during the past five (5) years.

3 **RESPONSE TO REQUEST NO. 129:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
6 and/or confidential information not reasonably calculated to lead to the discovery of admissible
7 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all
8 documents reflecting FMA's retention of any person; and (d) it is vague and ambiguous, in
9 particular as to the meaning of "any other capacity".

10 **REQUEST NO. 130:** All documents reflecting FMA's entry into any contract for the purchase or
11 sale of merchandise within Guam during the past five (5) years.

12 **RESPONSE TO REQUEST NO. 130:** In addition to its General Objections, FMA objects to
13 the request on the following grounds: (a) it seeks information that is neither relevant to this action
14 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it is overbroad and
15 unduly burdensome such as calling for the production of all documents reflecting FMA's entry
16 into any contract; (c) it is vague and ambiguous, in particular as to the meaning of the terms
17 "merchandise" and "contract"; and (d) it calls for information not within the possession or control
18 of FMA.

19
20 **REQUEST NO. 131:** All documents reflecting performance of the contracts in the above Request
21 for Production.

22 **RESPONSE TO REQUEST NO. 131:** In addition to its General Objections, FMA objects to
23 the request on the following grounds: (a) it seeks information that is neither relevant to this action

1 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
2 and/or confidential information not reasonably calculated to lead to the discovery of admissible
3 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all
4 documents reflecting performance of contracts; (d) it is vague and ambiguous; and (e) it calls for
5 information not within the possession or control of FMA.

6
7 **REQUEST NO. 132:** All documents reflecting FMA's interest during the past five (5) years in
8 any corporation that was qualified to do business or which had an office in Guam.

9 **RESPONSE TO REQUEST NO. 132:** In addition to its General Objections, FMA objects to
10 the request on the following grounds: (a) it seeks information that is neither relevant to this action
11 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks information
12 protected by the attorney-client privilege and the work-product doctrine; (c) it seeks proprietary
13 and/or confidential information not reasonably calculated to lead to the discovery of admissible
14 evidence; (d) it is overbroad and unduly burdensome such as calling for the production of "[a]ll
15 documents reflecting FMA's interest"; (e) it seeks information equally available to Plaintiffs; and
16 (f) it is vague and ambiguous, in particular as to the meaning of the term "interest".

17
18 **REQUEST NO. 133:** All documents reflecting FMA's employment during the past five (5) years
19 of individuals, whether resident or not, living or working in Guam.

20 **RESPONSE TO REQUEST NO. 133:** In addition to its General Objections, FMA objects to
21 the request on the following grounds: (a) it seeks information that is neither relevant to this action
22 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
23 and/or confidential information not reasonably calculated to lead to the discovery of admissible

evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all documents reflecting FMA's employment of individuals living or working in Guam; and (d) it is vague and ambiguous, in particular as to the meaning of "living or working in Guam".

REQUEST NO. 134: All documents reflecting FMA's employment during the past five (5) years of any sales agents or representatives of any kind who lived, worked or solicited business in Guam.

RESPONSE TO REQUEST NO. 134: In addition to its General Objections, FMA objects to the request on the following grounds: (a) it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary and/or confidential information not reasonably calculated to lead to the discovery of admissible evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all documents reflecting FMA's employment of any sales agents of any kind; and (d) it is vague and ambiguous, in particular as to the meaning of "lived, worked or solicited business in Guam".

REQUEST NO. 135: All documents reflecting FMA's distributors, suppliers, partners or customers having offices in Guam during the past five (5) years.

RESPONSE TO REQUEST NO. 135: In addition to its General Objections, FMA objects to the request on the following grounds: (a) it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary and/or information not reasonably calculated to lead to the discovery of admissible evidence; (c) it is overbroad and unduly burdensome; (d) it is vague and ambiguous; and (e) it calls for information not within the possession or control of FMA.

1 **REQUEST NO. 136:** All documents reflecting FMA's maintenance during the past five (5) years
2 of a telephone listing, or listed or used a post office box, or other mailing address in Guam.

3 **RESPONSE TO REQUEST NO. 136:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; and (b) it seeks
6 information equally available to Plaintiffs.

7 **REQUEST NO. 137:** All documents reflecting FMA's representation by attorneys, for any
8 purposes, who are admitted to practice in Guam.

9 **RESPONSE TO REQUEST NO. 137:** In addition to its General Objections, FMA objects to
10 the request on the following grounds: (a) it seeks information that is neither relevant to this action
11 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks information
12 protected by the attorney-client privilege and the work-product doctrine; (c) it seeks proprietary
13 and/or confidential information not reasonably calculated to lead to the discovery of admissible
14 evidence; (d) it is overbroad and unduly burdensome; (e) it is vague and ambiguous; and (f) it
15 calls for information not within the possession or control of FMA.

16
17 **REQUEST NO. 138:** All documents reflecting FMA's rental, ownership, operation, or holding of
18 any interest whatsoever (including by lease) of any personal property in Guam.

19 **RESPONSE TO REQUEST NO. 138:** In addition to its General Objections, FMA objects to
20 the request on the following grounds: (a) it seeks information that is neither relevant to this action
21 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
22 and/or confidential information not reasonably calculated to lead to the discovery of admissible
23 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all

1 documents reflecting any interest whatsoever of any personal property; and (e) it is vague and
2 ambiguous, in particular as to the meaning of "personal property".

3
4 **REQUEST NO. 139:** All documents reflecting FMA's contracts for the sale of goods or services
5 during the last five (5) years to any person or business entity located or having an office in Guam.

6 **RESPONSE TO REQUEST NO. 139:** In addition to its General Objections, FMA objects to
7 the request on the following grounds: (a) it seeks information that is neither relevant to this action
8 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
9 and/or confidential information not reasonably calculated to lead to the discovery of admissible
10 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all
11 documents reflecting contracts for the sale of goods or services; (d) it is vague and ambiguous;
12 and (e) it calls for information not within the possession or control of FMA.

13
14 **REQUEST NO. 140:** All documents reflecting FMA's direct or indirect shipment of any goods
15 or products or any goods or products incorporating FMA's dynamic memory chip into or through
Guam during the last five (5) years.

16 **RESPONSE TO REQUEST NO. 140:** In addition to its General Objections, FMA objects to
17 the request on the following grounds: (a) it seeks information that is neither relevant to this action
18 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
19 and/or confidential information not reasonably calculated to lead to the discovery of admissible
20 evidence; (c) it is overbroad and unduly burdensome such as calling for all documents reflecting
21 FMA's direct or indirect shipment of any goods or products; (d) it is vague and ambiguous, in
22 particular as to the meaning of "indirect shipment" and "incorporating"; and (e) it calls for
23 information not within the possession or control of FMA.

1 **REQUEST NO. 141:** All documents reflecting the authorization of FMA, or FMA's affiliates or
2 subsidiaries, to transact business within Guam within the past ten (10) years.

3 **RESPONSE TO REQUEST NO. 141:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it is overbroad and
6 unduly burdensome such as calling for the production of all documents reflecting authorization;
7 and (c) it is vague and ambiguous, in particular as to the identities of "FMA's affiliates or
8 subsidiaries".

9
10 **REQUEST NO. 142:** All documents reflecting contracts between FMA and customers or FMA
and partners in Guam.

11 **RESPONSE TO REQUEST NO. 142:** In addition to its General Objections, FMA objects to
12 the request on the following grounds: (a) it seeks information that is neither relevant to this action
13 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
14 and/or confidential information not reasonably calculated to lead to the discovery of admissible
15 evidence; (c) it is overbroad and unduly burdensome such as calling for the production of all
16 documents reflecting contracts between FMA and customers or partners; (d) it is vague and
17 ambiguous, in particular as to the meaning of the terms "contract" and "partners"; and (e) it calls
18 for information not within the possession or control of FMA.

1 **REQUEST NO. 143:** All documents reflecting each and every contact between FMA or FMA's
2 affiliates or subsidiaries, or FMA's representative with residents of Guam within the last ten (10)
3 years to the present, including, but not limited to, direct contact, such as telephone contact or
4 correspondence, as well as advertisements of any sort.

5 **RESPONSE TO REQUEST NO. 143:** In addition to its General Objections, FMA objects to
6 the request on the following grounds: (a) it seeks information that is neither relevant to this action
7 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
8 information not reasonably calculated to lead to the discovery of admissible evidence; (c) it is
9 overbroad and unduly burdensome such as calling for the production of all documents reflecting
10 "each and every contact"; (e) it is vague and ambiguous, in particular as to the meaning of
11 "contact" and the identities of "FMA's affiliates or subsidiaries, or FMA's representative"; and
12 (f) it calls for information not within the possession or control of FMA.

13 **REQUEST NO. 144:** All documents reflecting attempts by FMA or FMA's affiliates or
14 subsidiaries to solicit any business in Guam during the past ten (10) years.

15 **RESPONSE TO REQUEST NO. 144:** In addition to its General Objections, FMA objects to
16 the request on the following grounds: (a) it seeks information that is neither relevant to this action
17 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
18 and/or confidential information not reasonably calculated to lead to the discovery of admissible
19 evidence; (c) it is overbroad and unduly burdensome such as requesting all documents reflecting
20 attempts to solicit any business; and (d) it is vague and ambiguous, in particular as to what
21 defines an attempt to solicit any business.

1 **REQUEST NO. 145:** All documents reflecting attempts by FMA or FMA's affiliates or
2 subsidiaries to solicit any individual in Guam during the past ten (10) years.

3 **RESPONSE TO REQUEST NO. 145:** In addition to its General Objections, FMA objects to
4 the request on the following grounds: (a) it seeks information that is neither relevant to this action
5 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary
6 information not reasonably calculated to lead to the discovery of admissible evidence; (c) it is
7 overbroad and unduly burdensome such as requesting all documents reflecting attempts to solicit
8 any individual; and (d) it is vague and ambiguous, in particular as to what defines an attempt to
9 solicit any individual.

10 **REQUEST NO. 146:** All documents reflecting the total number of sales and gross annual amount
11 of the sales, all direct sales made by FMA or FMA's affiliates or subsidiaries to customers in
12 Guam or customers with operations in Guam for each of the last ten (10) years.

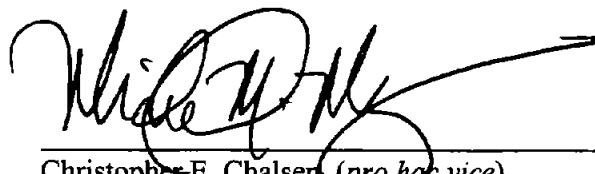
13 **RESPONSE TO REQUEST NO. 146:** In addition to its General Objections, FMA objects to
14 the request on the following grounds: (a) it seeks information that is neither relevant to this action
15 nor reasonably calculated to lead to the discovery of admissible evidence; (b) it is overbroad and
16 unduly burdensome such as calling for the production of all documents reflecting total sales to
17 customers in Guam or with operations in Guam; (c) it is vague and ambiguous, in particular as to
18 the identities of FMA's affiliates or subsidiaries; and (d) it calls for information not within the
19 possession or control of FMA.

REQUEST NO. 147: All documents reflecting shipment of any merchandise into Guam on consignment by FMA or FMA's affiliates or subsidiaries during the past ten (10) years.

RESPONSE TO REQUEST NO. 147: In addition to its General Objections, FMA objects to the request on the following grounds: (a) it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; (b) it seeks proprietary and/or confidential information not reasonably calculated to lead to the discovery of admissible evidence; (c) it is vague and ambiguous; and (d) it calls for information not within the possession or control of FMA.

Dated: Jan. 14, 2007

By:



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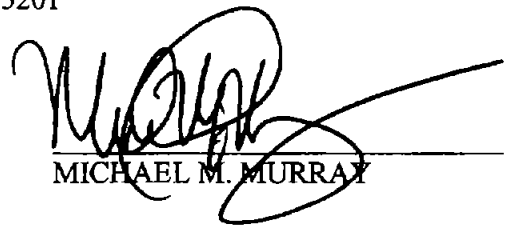
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served
on the following counsel of record via first class mail on January 16, 2007:

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EXHIBIT I

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UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO FUJITSU
MICROELECTRONICS AMERICA,
INC.'S FIRST SET OF
INTERROGATORIES (NOS. 1-6)**

Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, Plaintiffs Nanya Technology Corp. and Nanya Technology Corp. U.S.A. hereby serve the following Objections and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Interrogatories (Nos. 1-6). Plaintiffs hereby reserve the right to unilaterally and unconditionally revise, supplement, and otherwise change any and/or all objections and responses to these interrogatories.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Plaintiffs object to the definitions incorporated by reference to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production, by incorporating by reference Plaintiffs' objections to such definitions set forth in Plaintiffs' Objections and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production.

2. Plaintiffs object to Footnote No. 1 and Defendants' attempted disclaimer that they are not substantively participating in the present lawsuit in Guam.

3. Plaintiffs object to Instruction No. 3 to the extent it recites privilege log requirements in excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of Civil Procedure.

4. Plaintiffs object to Instruction No. 10 to the extent it recites requirements in excess of Federal Rule of Civil Procedure 33(d).

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to the foregoing objections, Plaintiffs further object and respond as follows:

INTERROGATORY NO. 1

Separately for each alleged basis of jurisdiction over FMA under Section 12 of the Clayton Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that fact.

OBJECTIONS AND RESPONSE:

Plaintiffs object to Interrogatory No. 1 as premature. Neither Defendant has served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation whatsoever to respond.

Plaintiffs object to Interrogatory No. 1 because it seeks information regarding the pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by Plaintiffs' counsel, and Plaintiffs' Response in Opposition to Fujitsu Microelectronics America, Inc.'s Motion to Dismiss or Transfer to the Northern District of California and for a More Definite Statement

1 ("Plaintiffs' Response"), which is still being prepared by Plaintiffs' counsel and has not yet been filed.
2 Such information is protected by the work product privilege and doctrine.

3 Plaintiffs object to Interrogatory No. 1 as premature because it seeks information that is the
4 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
5 until May 15, 2007.

6 Plaintiffs object to Interrogatory No. 1 because it calls for the product of jurisdictional
7 discovery that Defendant Fujitsu Microelectronics America, Inc. ("FMA") and Defendant Fujitsu Ltd.
8 have not yet yielded.

9 Plaintiffs object to Interrogatory No. 1 to the extent it recites at least three discrete subparts (a),
10 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 1-3) according
11 to Federal Rule of Civil Procedure 33(a).

12 Subject to the foregoing objections, Plaintiffs will provide information responsive to
13 Interrogatory No. 1 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
14 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
15 seasonably after Defendants yield all requested jurisdictional discovery.

16 **INTERROGATORY NO. 2**

17 Separately for each alleged basis of jurisdiction over Fujitsu under Section 12 of the Clayton
18 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each
19 fact, identify all evidence supporting that fact.

20 **OBJECTIONS AND RESPONSE:**

21 Plaintiffs object to Interrogatory No. 2 as premature. Neither Defendant has served pre-
22 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
23 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
24 whatsoever to respond.

25 Plaintiffs object to Interrogatory No. 2 because it seeks information regarding the pre-suit
26 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
27 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
28

1 not yet been filed. Such information is protected by the work product privilege and doctrine.

2 Plaintiffs object to Interrogatory No. 2 as premature because it seeks information that is the
3 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
4 until May 15, 2007.

5 Plaintiffs object to Interrogatory No. 2 because it calls for the product of jurisdictional
6 discovery that Defendants have not yet yielded.

7 Plaintiffs object to Interrogatory No. 2 to the extent it recites at least three discrete subparts (a),
8 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 4-6) according
9 to Federal Rule of Civil Procedure 33(a).

10 Subject to the foregoing objections, Plaintiffs will provide information responsive to
11 Interrogatory No. 2 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
12 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
13 seasonably after Defendants yield all requested jurisdictional discovery.

14 **INTERROGATORY NO. 3**

15 Separately for each alleged basis of jurisdiction over FMA not under Section 12 of the Clayton
16 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each
17 fact, identify all evidence supporting that fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 3 as premature. Neither Defendant has served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 3 because it seeks information regarding the pre-suit
24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 3 as premature because it seeks information that is the
28

1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 3 because it calls for the product of jurisdictional
4 discovery that Defendant have not yet yielded.

5 Plaintiffs object to Interrogatory No. 3 to the extent it recites at least three discrete subparts (a),
6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 7-9) according
7 to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to
9 Interrogatory No. 3 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
11 seasonably after Defendants yield all requested jurisdictional discovery

12 **INTERROGATORY NO. 4**

13 Separately for each alleged basis of jurisdiction over Fujitsu not under Section 12 of the
14 Clayton Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c)
15 for each fact, identify all evidence supporting that fact.

16 **OBJECTIONS AND RESPONSE:**

17 Plaintiffs object to Interrogatory No. 4 as premature. Neither Defendant has served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
20 whatsoever to respond.

21 Plaintiffs object to Interrogatory No. 4 because it seeks information regarding the pre-suit
22 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
23 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
24 not yet been filed. Such information is protected by the work product privilege and doctrine.

25 Plaintiffs object to Interrogatory No. 4 as premature because it seeks information that is the
26 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
27 until May 15, 2007.

1 Plaintiffs object to Interrogatory No. 4 because it calls for the product of jurisdictional
2 discovery that Defendants have not yet yielded.

3 Plaintiffs object to Interrogatory No. 4 to the extent it recites at least three discrete subparts (a),
4 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 10-12)
5 according to Federal Rule of Civil Procedure 33(a).

6 Subject to the foregoing objections, Plaintiffs will provide information responsive to
7 Interrogatory No. 4 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
8 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
9 seasonably after Defendants yield all requested jurisdictional discovery

10 **INTERROGATORY NO. 5**

11 Separately for each product that you assert to be a contact with Guam out of which your claim
12 for infringement arises against Fujitsu under a stream of commerce theory of specific jurisdiction, and
13 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants
14 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against
15 Fujitsu; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting
16 that fact.

17 **OBJECTIONS AND RESPONSE:**

18 Plaintiffs object to Interrogatory No. 5 as premature. Neither Defendant has served pre-
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
20 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
21 whatsoever to respond.

22 Plaintiffs object to Interrogatory No. 5 because it seeks information regarding the pre-suit
23 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
24 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
25 not yet been filed. Such information is protected by the work product privilege and doctrine.

26 Plaintiffs object to Interrogatory No. 5 as premature because it seeks information that is the
27 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
28

1 until May 15, 2007.

2 Plaintiffs object to Interrogatory No. 5 because it calls for the product of jurisdictional
3 discovery that Defendants have not yet yielded.

4 Plaintiffs object to Interrogatory No. 5 to the extent it recites at least three discrete subparts (a),
5 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 13-15)
6 according to Federal Rule of Civil Procedure 33(a).

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to
8 Interrogatory No. 5 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
10 seasonably after Defendants yield all requested jurisdictional discovery

11 **INTERROGATORY NO. 6**

12 Separately for each product that you assert to be a contact with Guam out of which your claim
13 for infringement arises against FMA under a stream of commerce theory of specific jurisdiction, and
14 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants
15 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against FMA;
16 (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that
17 fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 6 as premature. Neither Defendant has served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 6 because it seeks information regarding the pre-suit
24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 6 as premature because it seeks information that is the
28

1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 6 because it calls for the product of jurisdictional
4 discovery that Defendants have not yet yielded.

5 Plaintiffs object to Interrogatory No. 6 to the extent it recites at least three discrete subparts (a),
6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 16-18)
7 according to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to
9 Interrogatory No. 6 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
11 seasonably after Defendants yield all requested jurisdictional discovery.

12 **VERIFICATION**

13 Plaintiffs will provide a verification after Defendants make their pre-discovery disclosures and
14 after Plaintiffs supplement their responses in view of Defendants yielding all jurisdictional discovery.

15
16 Dated: April 23, 2007

SHORE CHAN BRAGALONE LLP

17
18 By /s/ Alfonso Garcia Chan
ALFONSO GARCIA CHAN

19 TEKER TORRES & TEKER, P.C.

20 UNPINGO & ASSOCIATES, LLC

21 ATTORNEYS FOR PLAINTIFFS
22 NANYA TECHNOLOGY CORP., and
23 NANYA TECHNOLOGY CORP, U.S.A.
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via electronic mail and confirmatory first class mail on April 23, 2007:

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UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO FUJITSU
MICROELECTRONICS AMERICA,
INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION (NOS. 1-29)**

1 Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court,
2 Plaintiff Nanya Technology Corp. and Nanya Technology Corp. U.S.A. (collectively "Nanya" or
3 "Plaintiffs") hereby serve the following Responses and Objections to Requests for Production upon
4 Defendant Fujitsu Microelectronics America, Inc. ("FMA"). Nanya hereby reserves the right
5 supplement all responses to these requests in accordance with Federal Rules of Civil Procedure 26(e).
6

7 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

8 1. Nanya objects to the definitions of "Nanya," "you" and "your" to the extent that they
9 encompass "all predecessor or successor companies or corporations" that are not currently part of
10 Nanya, to the extent they encompass "present ... investigators, accountants, consultants, attorneys,
11 other representatives, or any other persons acting or purporting to act on behalf of any of them" who
12 are not part of Nanya to the extent they encompass "consultants" otherwise protected by the consulting
13 expert privilege, to the extent they encompass "attorneys" otherwise protected by the attorney client
14 and/or work product privileges, and to the extent they encompass "former offices, directors,
15 employees, agents, investigators, accountants, consultants, attorneys, other representatives, or any
16 other persons acting or purporting to act on behalf of any of them" that are not currently part of Nanya.
17

18 2. Nanya objects to the definition of "document" to the extent it purports to cover subject
19 matter in excess of Federal Rule of Civil Procedure 34.
20

21 3. Nanya objects to the definition of "electronically stored information" to the extent it
22 purports to cover subject matter in excess of Federal Rule of Civil Procedure 34.

23 4. Nanya objects to the definition of "identify" to the extent it calls for a response in
24 excess of the minimum requirements of Federal Rule of Civil Procedure 34.

25 5. Nanya objects to the Instructions generally to the extent they call for a response in
26 excess of the minimum requirements of Federal Rule of Civil Procedure 34.

27 6. Nanya objects to Instruction No. 3 to the extent it recites privilege log requirements in
28

1 excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of
2 Civil Procedure.

3 7. Nanya objects to Instruction No. 9 as it is the FMA's burden, not Nanya's burden, to
4 propound reasonably clear and understandable discovery requests.

5 8. Nanya objects to Footnote No. 1 and Defendants' attempted disclaimer that they are not
6 substantively participating in the present lawsuit in Guam.

7
8 **RESPONSES AND OBJECTIONS TO FMA'S PRODUCTION**

9 Subject to the foregoing objections, Nanya further objects and responds as follows:

10 **REQUEST FOR PRODUCTION NO. 1:**

11 All documents, electronically stored information, and things demonstrating, showing or
12 otherwise relating to the allegation that Fujitsu Limited owns and/or controls the following entities:

- 13 (a) Fujitsu Computing Products of America;
14 (b) Fujitsu General New Zealand Limited;
15 (c) Fujitsu Ten; and
16 (d) Any other person or company you believe is a subsidiary or affiliate of Fujitsu Limited, whose
17 conduct or actions are relevant to personal jurisdiction over Fujitsu Limited in this proceeding.
18

19 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 1:**

20 Plaintiffs object to Request for Production No. 1 as premature. Neither Defendant has served
21 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
22 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
23 obligation whatsoever to respond.
24

25 Plaintiffs object to Request for Production No. 1 because it seeks information regarding the
26 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
27 Plaintiffs' counsel, and Plaintiffs' Response in Opposition to Fujitsu Microelectronics America, Inc.'s
28

1 Motion to Dismiss or Transfer to the Northern District of California and for a More Definite Statement
2 ("Plaintiffs' Response"), which is still being prepared by Plaintiffs' counsel and has not yet been filed.
3 Such information is protected by the work product privilege and doctrine.

4 Plaintiffs object to Request for Production No. 1 as premature because it seeks information that
5 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
6 due until May 15, 2007.

8 Plaintiffs object to Request for Production No. 1 because it calls for the product of
9 jurisdictional discovery that Defendants have yet to fully yield.

10 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
11 for Production No. 1 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
12 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
13 seasonably after Defendants yield all requested jurisdictional discovery.

14
15 **REQUEST FOR PRODUCTION NO. 2:**

16 All purchase orders, receipts, bills of lading, and other documents, electronically stored
17 information, and things demonstrating, showing or otherwise relating to products manufactured, sold
18 or distributed by Fujitsu Limited, its alleged subsidiaries, or its alleged affiliates in the Territory of
19 Guam.

20
21 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 2:**

22 Plaintiffs object to Request for Production No. 2 as premature. Neither Defendant has served
23 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
24 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
25 obligation whatsoever to respond.

26 Plaintiffs object to Request for Production No. 2 because it seeks information regarding the
27 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
28

1 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
2 not yet been filed. Such information is protected by the work product privilege and doctrine.

3 Plaintiffs object to Request for Production No. 2 as premature because it seeks information that
4 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
5 due until May 15, 2007.

6
7 Plaintiffs object to Request for Production No. 2 because it calls for the product of
8 jurisdictional discovery that Defendants have yet to fully yield.

9 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
10 for Production No. 2 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
11 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
12 seasonably after Defendants yield all requested jurisdictional discovery.

13
14 **REQUEST FOR PRODUCTION NO. 3:**

15 All purchase orders, receipts, bills of lading and other documents, electronically stored
16 information, and things demonstrating, showing or otherwise relating to your allegations that products
17 manufactured or distributed by Fujitsu Limited, its alleged subsidiaries, or its alleged affiliates have
18 been sold or offered for sale in the Territory of Guam, whether alone or combined with other products.

19 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 3:**

20
21 Plaintiffs object to Request for Production No. 3 as premature. Neither Defendant has served
22 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
23 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
24 obligation whatsoever to respond.

25 Plaintiffs object to Request for Production No. 3 because it seeks information regarding the
26 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
27 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
28

1 not yet been filed. Such information is protected by the work product privilege and doctrine.

2 Plaintiffs object to Request for Production No. 3 as premature because it seeks information that
3 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
4 due until May 15, 2007.

5 Plaintiffs object to Request for Production No. 3 because it calls for the product of
6 jurisdictional discovery that Defendants have yet to fully yield.

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
8 for Production No. 3 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
10 seasonably after Defendants yield all requested jurisdictional discovery.

11 **REQUEST FOR PRODUCTION NO. 4:**

12 All documents, electronically stored information, and things demonstrating, showing or
13 otherwise relating to your allegation in Paragraph 12 of your First Amended Complaint that Fujitsu
14 Limited and FMA "each have sufficient contacts with the forum to satisfy federal personal jurisdiction
15 requirements.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 4:**

17 Plaintiffs object to Request for Production No. 4 as premature. Neither Defendant has served
18 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
19 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
20 obligation whatsoever to respond.

21 Plaintiffs object to Request for Production No. 4 because it seeks information regarding the
22 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
23 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
24 not yet been filed. Such information is protected by the work product privilege and doctrine.

1 Plaintiffs object to Request for Production No. 4 as premature because it seeks information that
2 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
3 due until May 15, 2007.

4 Plaintiffs object to Request for Production No. 4 because it calls for the product of
5 jurisdictional discovery that Defendants have yet to fully yield.
6

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
8 for Production No. 4 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
10 seasonably after Defendants yield all requested jurisdictional discovery.

11 **REQUEST FOR PRODUCTION NO. 5:**
12

13 All documents, electronically stored information, and things demonstrating, showing or
14 otherwise relating to your allegation in Paragraph 15 of your First Amended Complaint that allegedly
15 anticompetitive acts have artificially increased the cost of DDR SDRAM chips in the United States and
16 its territories, including the Territory of Guam.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 5:**
18

19 Plaintiffs object to Request for Production No. 5 as premature. Neither Defendant has served
20 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
21 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
22 obligation whatsoever to respond.

23 Plaintiffs object to Request for Production No. 5 because it seeks information regarding the
24 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Request for Production No. 5 as premature because it seeks information that
28

1 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
2 due until May 15, 2007.

3 Plaintiffs object to Request for Production No. 5 because it calls for the product of
4 jurisdictional discovery that Defendants have yet to fully yield.

5 Plaintiffs object to Request for Production No. 5 because it calls for the subject mater of expert
6 disclosures that are not yet due.

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
8 for Production No. 5 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response) or when expert disclosures are due, and
10 will supplement this response seasonably after Defendants yield all requested jurisdictional discovery.
11

12 **REQUEST FOR PRODUCTION NO. 6:**

13 All purchase orders, receipts, bills of lading, and other documents, electronically stored
14 information, and things demonstrating, showing or otherwise relating to your allegation in Paragraph
15 16 of your First Amended Complaint that Fujitsu Limited, its alleged subsidiaries, or its alleged
16 affiliates distribute Accused Fujitsu Products in the Territory of Guam.
17

18 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 6:**

19 Plaintiffs object to Request for Production No. 6 as premature. Neither Defendant has served
20 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
21 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
22 obligation whatsoever to respond.
23

24 Plaintiffs object to Request for Production No. 6 because it seeks information regarding the
25 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
26 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
27 not yet been filed. Such information is protected by the work product privilege and doctrine.
28

1 Plaintiffs object to Request for Production No. 6 as premature because it seeks information that
2 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
3 due until May 15, 2007.

4 Plaintiffs object to Request for Production No. 6 because it calls for the product of
5 jurisdictional discovery that Defendants have yet to fully yield.
6

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
8 for Production No. 6 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
10 seasonably after Defendants yield all requested jurisdictional discovery.

11 **REQUEST FOR PRODUCTION NO. 7:**

12 All documents, electronically stored information, and things demonstrating, showing, or
13 otherwise relating to your allegation in Paragraph 17 of your First Amended Complaint that "Fujitsu,
14 Ltd. Its subsidiaries, or its affiliates place" Accused Fujitsu Products "in the stream of commerce with
15 the intention that they would be available to people in the United States and the Territory of Guam."
16

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 7:**

18 Plaintiffs object to Request for Production No. 7 as premature. Neither Defendant has served
19 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
20 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
21 obligation whatsoever to respond.
22

23 Plaintiffs object to Request for Production No. 7 because it seeks information regarding the
24 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Request for Production No. 7 as premature because it seeks information that
28

1 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
2 due until May 15, 2007.

3 Plaintiffs object to Request for Production No. 7 because it calls for the product of
4 jurisdictional discovery that Defendants have yet to fully yield.

5 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
6 for Production No. 7 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
7 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
8 seasonably after Defendants yield all requested jurisdictional discovery.

9
10 **REQUEST FOR PRODUCTION NO. 8:**

11 All documents, electronically stores information, and things demonstrating, showing, or
12 otherwise relating to your allegation in Paragraph 17 of your First Amended Complaint of "products
13 that are placed into the stream of commerce by Fujitsu Ltd., its subsidiaries, or its affiliates."

14
15 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 8:**

16 Plaintiffs object to Request for Production No. 8 as premature. Neither Defendant has served
17 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
18 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
19 obligation whatsoever to respond.

20 Plaintiffs object to Request for Production No. 8 because it seeks information regarding the
21 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
22 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
23 not yet been filed. Such information is protected by the work product privilege and doctrine.

24 Plaintiffs object to Request for Production No. 8 as premature because it seeks information that
25 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
26 due until May 15, 2007.
27
28

1 Plaintiffs object to Request for Production No. 8 because it calls for the product of
2 jurisdictional discovery that Defendants have yet to fully yield.

3 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
4 for Production No. 8 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
5 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
6 seasonably after Defendants yield all requested jurisdictional discovery.
7

8 **REQUEST FOR PRODUCTION NO. 9:**

9 All documents, electronically stores information, and things demonstrating, showing, or
10 otherwise relating to your allegation in Paragraph 18 of your First Amended Complaint that Accused
11 Fujitsu Products are made "with the intention that they would be used in a significant number of
12 consumer products sold in the United States and the Territory of Guam."
13

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 9:**

15 Plaintiffs object to Request for Production No. 9 as premature. Neither Defendant has served
16 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
17 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
18 obligation whatsoever to respond.

19 Plaintiffs object to Request for Production No. 9 because it seeks information regarding the
20 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
21 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
22 not yet been filed. Such information is protected by the work product privilege and doctrine.
23

24 Plaintiffs object to Request for Production No. 9 as premature because it seeks information that
25 is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not
26 due until May 15, 2007.

27 Plaintiffs object to Request for Production No. 9 because it calls for the product of
28

1 jurisdictional discovery that Defendants have yet to fully yield.

2 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
3 for Production No. 9 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
4 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
5 seasonably after Defendants yield all requested jurisdictional discovery.
6

7 **REQUEST FOR PRODUCTION NO. 10:**

8 All documents, electronically stored information, and things demonstrating, showing or
9 otherwise relating to your allegation in Paragraph 19 of your First Amended Complaint that Fujitsu
10 Limited "distributes products manufactured by Fujitsu companies to businesses and legal residents of
11 the Territory of Guam."
12

13 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 10:**

14 Plaintiffs object to Request for Production No. 10 as premature. Neither Defendant has served
15 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
16 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
17 obligation whatsoever to respond.

18 Plaintiffs object to Request for Production No. 10 because it seeks information regarding the
19 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
20 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
21 not yet been filed. Such information is protected by the work product privilege and doctrine.
22

23 Plaintiffs object to Request for Production No. 10 as premature because it seeks information
24 that is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is
25 not due until May 15, 2007.

26 Plaintiffs object to Request for Production No. 10 because it calls for the product of
27 jurisdictional discovery that Defendants have yet to fully yield.
28

1 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
2 for Production No. 10 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on
3 May 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
4 seasonably after Defendants yield all requested jurisdictional discovery.
5

6 **REQUEST FOR PRODUCTION NO. 11:**

7 All documents, electronically stored information, and things demonstrating, showing or
8 otherwise relating to your allegation in Paragraph 20 of your First Amended Complaint that a number
9 of Fujitsu Limited's subsidiary or affiliate companies regularly conduct business in the Territory of
10 Guam, and sell products to people and businesses in the Territory of Guam.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION NO. 11:**

12 Plaintiffs object to Request for Production No. 11 as premature. Neither Defendant has served
13 pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil
14 Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no
15 obligation whatsoever to respond.
16

17 Plaintiffs object to Request for Production No. 11 because it seeks information regarding the
18 pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
19 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
20 not yet been filed. Such information is protected by the work product privilege and doctrine.
21

22 Plaintiffs object to Request for Production No. 11 as premature because it seeks information
23 that is the subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is
24 not due until May 15, 2007.

25 Plaintiffs object to Request for Production No. 11 because it calls for the product of
26 jurisdictional discovery that Defendants have yet to fully yield.

27 Subject to the foregoing objections, Plaintiffs will provide information responsive to Request
28